



REPORT
OF THE
ANNAPOLIS GOVERNMENTAL STRUCTURE
AND
CHARTER REVISION COMMISSION

January 17, 2002

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Introduction

A group of nine private citizens appointed by the Annapolis City Council convened in February, 2001 to examine the Charter of the City of Annapolis. The group met and deliberated on its own for nearly a year without professional advice or assistance. This is the report of its findings, observations, and recommendations.

Background

A charter is a municipality's constitution. It establishes the manner in which a municipality will be governed. It provides checks and balances. It grants the authority for the adoption of laws governing the conduct of its citizens and the provision of public service. The current Annapolis Charter was adopted in the early 1950s, recodified in the early 1980s but not substantially revised, and has been amended periodically as the need arises.

Maryland law authorizes the amendment of a municipal charter in only two ways, namely, by citizens petitioning that particular text be subject to referendum or the governing body adopting a resolution amending specific text. It is through the latter method that the Annapolis City Council has routinely amended the Charter. Though citizens may petition the action of the City Council to referendum, the Council has no authority to subject its own enactments to referendum..

In the late 1960s, late 1970s, and mid-1990s, concerned citizens unilaterally formed *ad hoc* groups to study governance issues and propose charter amendments. In 1996 the City Council itself created a commission to examine the governmental structure. The "Duden Commission" (nicknamed after its chair Richard Duden) made various recommendations including one that the City should conduct a review of the Charter routinely. The City Council accepted this recommendation. Charter Article IX was amended in March, 1997 to provide, as follows:

"Section 10. Charter Revision Commission.

In January following the year in which the decennial census of the population of the United States is conducted, the City Council by resolution shall appoint a Commission for the purpose of making a comprehensive study of the government of the City. The Commission shall be composed of a least five, but no more than nine, residents of the City. Other findings and recommendations together with drafts of revisions to the Charter and City Code shall be submitted no later than twelve months after its appointment. The City Council shall appropriate sufficient funds for the Commission to fulfill its duties and responsibilities."

Acting under the authority of this section the City Council adopted Resolution No. R-3-01 on January 22, 2001 creating the Annapolis Governmental Structure and Charter Revision Commission. A copy of the resolution is Appendix 1 of this report. Appendix 2 contains a list of the names and addresses of the appointees.

Paragraph one of the resolution designates Richard Hillman as the chairman. The Commission subsequently elected Penny Evans as vice chairman and Elaine Furth as secretary.

The Process

The Commission conducted its first meeting in February, 2001 and met at least monthly thereafter through January, 2002. The meetings were held in the Council Chamber and were open to the public though few members of the public attended and press coverage was limited.

The Commission adopted the following mission statement:

“The 2001 City of Annapolis Governmental Structure and Charter Revision Commission will conduct a comprehensive review of the government of the City. In reaching its findings and making its recommendations, the Commission will thoroughly examine the existing governmental structure and how it performs, will actively encourage City residents and City staff to submit observations on the structure and its performance, will fairly and openly consider proposals to enhance the governance of the City, and will present a cogent rationale to the City Council for changing provisions that require changing and for maintaining provisions that do not merit changing.”

No City professional staff was assigned to assist the Commission. Insofar as any research or study was conducted beyond the meetings of the Commission, it was conducted by members of the Commission on their own. The Commission did invite a number of experts in the field of municipal governance to make presentations and the Commission benefitted from their observations and experience. Much background reading material was provided for the Commission’s information and edification. Appendices 3 and 4 contain lists of the titles of these documents. It is the intention of the Commission that copies of all of these documents be retained in a permanent file by the City Clerk for the benefit of the City Council, of citizens, and of future Charter commissions.

The Commission initially identified various issues that it believed deserved consideration. Appendix 5 contains a list of these issues. The public was invited to comment on this list and to suggest additional issues at a public hearing in late spring and by mail and e-mail. A modicum of comment was received.

In order to facilitate as systematic a review of the Charter as laymen could be expected to conduct, committees of the Commission were established. These were Election & General Provisions [Preamble & Articles I, II, IX], The Mayor and the Administration [Articles V & VI], The City Council and Municipal Powers [Articles III & IV], and Finance & Personnel [Articles VII & VIII]. A Findings & Recommendations Report Committee was initially established but subsequently disbanded.

The committees met with various elected and appointed current and former City officials and made recommendations to the Commission. In addition, a discussion outline (see Appendix 5) was prepared to focus the Commission’s deliberations in late summer and early fall.

The Commission adopted a series of preliminary recommendations and invited the public to comment upon them at four hearings conducted in City neighborhoods. About 50 citizens availed themselves of this opportunity to speak to the Commission and a number of other citizens sent letters and e-mail messages. A draftsman was retained to format the Commission’s recommendations into proposed Charter amendments as required by Res. No. R-3-01.

The Commission met in early January 2002 to confirm its recommendations and to adopt this report.

Discussion

In general, the Commission found that city services are delivered with a high degree of professionalism. Few issues were presented and little time of the Commission was spent deliberating upon the quality or quantity of these services. Taxpayers seem comfortable that they are getting good value for their tax dollars and citizens seem proud of their municipality and the dedicated employees who serve them.

The Commission was not unmindful that the other side of municipal governance, namely the political arena, did not come so highly recommended. Issues related to the civility and quality of the deliberations of the City Council were not only brought to the attention of the Council but a number of new ones were reported in the press during the Commission's tenure. Issues related to executive leadership were also itemized.

The Commission was unanimous in its belief that Annapolitans deserve to be represented by officials whose integrity and commitment are unquestioned; that leadership should be visionary and demonstrative; and that deliberative meetings should be conducted professionally and productively. Nevertheless, the Commission was very circumspect about trying to match shortcomings in our elected officials with shortcomings in the language of the Charter. In a democracy the voters have the final say as to their representatives. Common sense, intellect, honesty, consensus building and other qualities elected public officials should exhibit cannot be legislated.

While the Commission was open to considering any issue whatsoever no matter how traditional or ingrained it was, in the final analysis the Commission endeavored to focus on limited Charter provisions whose revision would likely make a difference. Though a thorough housekeeping revision of the Charter is necessary, the Commission did not have the resources or the time to perform this task. However, in certain instances housekeeping revisions are suggested where they came to the attention of the Commission. Note other housekeeping changes referred in Appendices 8 and 9 with which the Commission did not deal.

Recommendations For Amending The Charter

The Commission's recommendations for amending the Charter have been prepared as formal resolutions proposing the revisions as dictated by the terms of Resolution No. R-3-01 that established the Commission. A description of the recommendation and the text of the resolution appear on the following pages. The Commission separately has provided the City Clerk with copies of these resolutions in electronic form to facilitate their introduction, hearing and consideration.

Recommendation 1 – Non Partisan Elections

Discussion

The Commission could not identify any positive influence that is derived from partisan politics at the municipal level. Municipal issues cannot be resolved by review of national party platforms. The Commission considered what form of election would be suggested if a city were incorporating today in light of the sort of citizens who might seek public office. The benefits of removing party labels from the process and focusing on issues of actual municipal concern seemed meritorious. The Commission was advised that it is among a dramatic minority within Maryland with partisan elections (only 3 of 157 municipalities in Maryland have partisan elections as have 3 of 13 of the cities surveyed nationally and described in Appendix 7). The Commission believes that non-partisan elections would have a positive effect on voter turnout and would increase the diversity of candidates seeking office. It should be made clear, in response to concerns raised about this recommendation, that this provision would not prevent a candidate from running with the support of a political party or from identifying himself or herself as a member of that party. However, such descriptors would not appear on the actual ballot. Additionally, there were observations that party labels make it easier for voters to choose a candidate. It is the view of the Commission that it is the combined responsibility of the candidates to educate voters and the voters to educate themselves about the candidates. The Commission declined to engage in speculation as to whether non-partisan elections would be an advantage or advantage to existing major parties in Annapolis.

Recommendation 2 – Political Parties and the Board of Supervisors of Elections

The Commission recommends that the City Council be authorized to consider appointing a member of a party other than either of the two major national political parties to the Board of Supervisors of Elections.

Discussion

The Commission considered several issues related to the other political parties in an effort to be consistent with recommendation #1. The Commission was surprised to learn that only a member of one of the two major parties was eligible for appointment to the Board and felt this was an unnecessary limit on the powers of the City Council. The recommendation does not change the requirement that the other two members come from the existing major parties.

Recommendation 3 – Mid-Term Vacancies in Elected Offices

The Commission recommends a special election be held to fill an Aldermanic or Mayoral vacancy unless that vacancy occurs within 12 months of the next election.

Discussion

Currently, a special election is not held if the vacancy occurs within 15 months of the election. The Commission believes that this is too long to have an appointee serve. The Commission was advised that the Board of Supervisors of Elections could conduct an election within a time frame that would make 12 months a more reasonable limit.

Recommendation 4 – Mayoral Term Limit

The Commission recommends that the two-term limit for Mayors be eliminated.

Discussion

The Commission examined a wide range of issues related to the powers of the Mayor and the Mayor's ability effectively to lead both the executive and legislative branch of City government. The Commission was concerned that a two-term Mayor immediately becomes "lame duck" upon re-election. This does not seem appropriate or necessary but it does seem undemocratic. It limits the options of the electorate and, given the shift to professional management of the government, does not bring clear benefits to the electorate. The Commission received numerous comments on this proposal. The concerns, while passionate, were not persuasive enough to change the Commission's preliminary recommendation. No rationale was presented to the Commission to articulate the need to limit the Mayor's term. The references to the President of the United States, the Governor of Maryland, and even to the County Executive of Anne Arundel seemed irrelevant to the situation in a municipality as small as Annapolis. The best argument to eliminate the term limit was the record of the Annapolis electorate itself, namely, that three Mayors seeking re-election just within the past 16 years have been defeated.

Recommendation 5 – Aldermanic Communications with City Employees

The Commission recommends that Aldermen be prohibited from giving direction to City department directors.

Discussion

The Commission reviewed the role of Aldermen on several occasions because the issue arose from so many different aspects. The Charter appears to contemplate a different role than many members of former City Councils have fulfilled. First of all, the Charter anticipates that the City Council will act as a body and not a group of individual “ward mayors.” The City Council itself is authorized to perform a legislative role, to adopt budgets, confirm appointments, and review performance. The Mayor, on the other hand, is responsible for ensuring that the policies of the Council are implemented, that the budget is followed, and that City staff deliver quality services. The Charter anticipates that the Administrator will guide the department directors on a day-to-day basis. This recommendation will ensure that Aldermen will focus on the role intended for them. Its passage is crucial to the efficient and fair delivery of services and to the recruitment of the most highly qualified professional staff. The rationale for this recommendation stems from instances that the Commission learned of during its deliberations of interference by Aldermen in the day-to-day operational decisions of City Department heads. This interference went beyond mere inquiry but extended to actual instructions and orders to department directors to take action on a particular issue or problem. This recommendation will eliminate this problem by making clear that while aldermen can and should make inquiries of City Department officials on behalf of their constituents, these inquiries cannot and must not involve directives to take action. The decisions on how best to utilize the city’s resources and manage its personnel and equipment must be left to the City Administrator and the Mayor. This recommendation does not reduce or eliminate an Alderman’s ability to make legitimate inquiries on behalf of constituents or for their own interest and purposes. It simply demarcates what constitutes appropriate communications and inquiries from what does not.

Recommendation 6 – The City Administrator

The Commission recommends that the City Administrator be a member of the professional association for municipal administrators at the time of hire, that the Administrator must have public management experience, that the Administrator be, or soon become, an Annapolitan and that several other housekeeping changes be made to clarify the existing Charter language governing the position.

Discussion

In endorsing the existing policy of the City that its day-to-day affairs be administered by a trained professional, the Commission reviewed the provisions of Charter Article VI, Section 2B, adopted just four years ago to formalize the position of City Administrator. The Commission found that a number of its terms were inconsistent and that some of its provisions were confusing. In reviewing the recommendations of the “Duden” Commission upon which this section of the Charter is based it became apparent that certain amendments to the resolution proposed by the former City Council were not accurate reflections of the goals of the “Duden” Commission’s finding that the citizens of Annapolis would be best served by having a professional managed government. Consequently, the Commission has recommended several administrative revisions to Section 2B, as follows,

- ▶ The Commission recommends removing the clause “mayor’s chief of staff” at the end of subsection (a) because it is confusing at best and adds nothing substantive to the direction in the previous clause that the city administrator shall be “the supervising authority of the office of the mayor.”
- ▶ The Commission was concerned that the current language of section (b) would permit the employment of a city administrator who has only “private business” experience but no experience in public administration. Though private business experience might be a good background too, the Commission felt strongly that nothing should substitute for the 5 years of public education and experience. By permitting someone with no public administration experience to take the position the efficient and effective functioning and operation of the City is placed at risk.
- ▶ The existing language of section (b) already requires that the administrator eventually be a member of the professional association of professional administrators. Having been briefed about the field, it became clear that the City should be employing solely individuals who are already members of the association. Again, to consider other candidates belies the existence of public management as a recognized and distinguished profession.
- ▶ The language regarding the city administrator’s knowledge was inartfully stated and the Commission is recommending a better statement.
- ▶ The Commission believes that a manager manages best when he or she shares the same concerns and privileges as other Annapolitans do. Thus, the Commission recommends a requirement that the administrator be a City resident.
- ▶ The proposed new last sentence of section (b) is not new language. The Commission has proposed moving the provision from the succeeding section where it seems to be an inconsistent thought with the direction that the administrator shall serve full time. The authority of the mayor to discharge the administrator under the current Charter is retained.
- ▶ The Commission recommends deleting section (d)(1). It found “chief of staff of the department directors” to be equivalent to the existing language of (d)(2) which already specifies that the administrator is the “supervisory authority over the department directors.”

Recommendation 7 - The City Administrator and Authority Regarding Department Directors

The Commission recommends that the City Administrator be responsible for hiring and firing department directors.

Discussion

In attempting to understand how the City's management structure differed from that which is employed in many professionally managed governments and in much of the private sector, the Commission was struck by the contradiction inherent in the existing Charter. The City Administrator is directed to supervise the department directors. Yet, the Administrator has neither the power to hire them or to discharge them. The Commission endeavored to sort through the various concerns that were expressed during the Commission's meetings and the committee meetings. Some were clearly related to issues other governance. However, the one common thread in many observations about the operation of the government, was the blurring of the lines of administrative authority. The Commission concluded that in order to ensure clear lines of authority within the executive branch, to eliminate any confusion among department heads about who is their boss (the Mayor or the Administrator), and to make clear to prospective candidates for Administrator that they have real executive power, it was necessary to recommend that the ability to hire and fire city department heads reside solely with the Administrator. In addition, since the Mayor would no longer be part of the hiring and firing process, and in order to preserve accountability for the Administrator and the Mayor, the existing Charter provision giving the Mayor the authority to fire the Administrator without consulting or seeking the consent of the City Council should be retained. The Commission believes that the adoption of both this recommendation and the recommendation concerning Aldermanic communications are more essential to the goal of hiring top flight Administrators than the matter of salary which has so often been highlighted in recent years.

Recommendation 8 – Charter Revision Commissions

The Commission recommends that future Charter Commissions be required to submit the report with six months.

Discussion

The Commission believes that if the City adopts the Commission's recommendations that professional staff be retained to assist the future Commissions and that a thorough housekeeping review of the existing Charter be performed at this time, there is no reason why the work cannot be concluded within a much shorter time frame. The Commission feels a shorter time frame would be beneficial to the City Council, to City staff, to the general public, and to the members of the Commission itself.

Recommendation 9 – Public Hearing Procedures for Ordinances and Resolutions

The Commission recommends that when a public hearing is conducted on an ordinance and that ordinance is thereafter amended substantively, another hearing should be conducted prior to enactment of the ordinance.

Discussion

During the commission's term, two matters were brought to the attention of the Commission wherein the Council accepted public testimony on issues, thereafter changed the issues, and adopted the matters without allowing the public to offer testimony on these changes. The Commission was informed that this situation had occurred at other times in the past. The Commission was mindful that there is no requirement for Maryland municipalities to conduct legislative hearings at all. The Commission considered whether to suggest a requirement that every legislative matter be subject to public hearing as with the Anne Arundel County Council. The Commission did not believe this to be necessary or prudent. The flexibility accorded to municipalities in Maryland should be preserved not eroded. However, the Commission was concerned about fundamental fairness and about respect for the legislative process. Moreover, the Commission was specifically asked to examine this issue by the Council's Finance Committee. The Commission could find no justification for the City Council acting on amended legislation without taking public comment on the amendments where the public had been invited to comment earlier on the original version of the proposal.

Other Recommendations

Housekeeping Review

As stated earlier, the Commission primarily focused on issues of substance and did not have the inclination or expertise to perform a thorough housekeeping review of the Charter. Nonetheless, it is the sense of the Commission that such a review would benefit those who must use and interpret the Charter. The current document appears to contain some language that is redundant and verbose, some that is anachronistic, and some that appears to be too detailed to be in the Charter but should probably be included in the City Code. The Commission recommends that professional drafting services be retained and that a thorough housekeeping review of the Charter, and subsequently the City Code, be performed forthwith.

Professional Assistance for the Commission

As a group of volunteers acting as lay reviewers of the structure of the City's government on an occasional basis over several months, the Commission found that it was handicapped by the complex nature of the issues presented and the sophisticated level to which the delivery of municipal services has grown. In retrospect, while thoughtful consideration was accorded to each issue, the Commission believes that the review and deliberation by future such commissions could be enhanced if guided by professional assistance. The Commission recommends that future decennial Charter review exercises commence with the engagement of professional consultant assistance with background and experience in political science and municipal governance issues. For instance, a consultant might digest current local issues and national trends, review the Annapolis Charter, and conduct preliminary interviews before the Charter review commission is formally designated. Then, the consultant could continue to work with the commission during its term and could assist with the development of the recommendations and final report.

Powers of the Mayor: Veto & Voting Solely to Make or Break a Tie

In its preliminary report and recommendations, the Commission included a recommendation giving the Mayor veto authority and making him/her a voting member of the Council only in circumstances to break a tie vote. In addition, the veto could only be overridden by a $\frac{3}{4}$ majority of the City Council (with the Mayor being unable to vote). This recommendation was virtually unanimously objected to at all public hearings as consolidating too much power in the office of the mayor and enabling the mayor to stop anything the mayor did not like with only two Council votes. Upon considering these comments, the Commission has withdrawn the recommendation.

Use of the title “Alderman”

An issue raised at a public hearing, but not previously considered, was the use of the title “Alderman.” It was suggested that the term could be perceived as gender-biased and its English background could be perceived as autocratic. The Commission believes that whatever definition may be ascribed to the word “Alderman” elsewhere in the world it has a clear meaning in the City of Annapolis as a member of the City Council elected by the residents of a ward. Its long use and its asexual application, at least since 1973, merit its continuation rather its abandonment. Though the Commission recommends no change in the Charter, the Commission believes that it would not be inappropriate for an individual Alderman to use a gender-neutral such as “Council member” in referring to himself or herself.

The Electoral Process

The Commission reviewed the existing electoral process with an open mind. After giving it a fresh look, the Commission endorsed continuing (1) to have the City divided into eight wards rather than fewer wards, more wards, or at-large representation, (2) to have each ward represented by one Alderman, (3) to have all eight Aldermen serve the same term rather than staggering the terms, (4) to conduct the elections on Tuesdays rather than Sundays, and (5) to conduct elections in the fall of the year following the presidential election instead of in the spring, in year following the gubernatorial election, or together with the gubernatorial election. A number of other electoral issues were discussed but as they are governed by provisions of the City Code rather than by the Charter the Commission makes no recommendation regarding them. Nonetheless, the Commission observes that the advent of the Internet has prompted some municipalities to utilize the Internet as a voting option and perhaps the Board of Supervisors of Elections might wish to explore this initiative.

The Role of the Mayor as Chief Executive

When issues were being identified in the spring of 2001, many seemed to revolve around the powers, duties, and responsibilities of the Mayor. There were suggestions that the position be weakened and that it be strengthened. The basis of the discussion of this issue was how to best assure the operation of the city in the most efficient, effective and professional manner. The Commission considered and rejected a proposal to eliminate the position of City Administrator and to re-designate the Mayor as “chief administrator officer” as was the case before January, 1998. The Commission considered and rejected a proposal to relax the requirement that the Mayor serve full time. The Commission concluded that provisions of Article 5, Sections 1 and 2, well describe the responsibilities that Annapolitans should expect their Mayor to fulfill.

The Role of the Mayor as Presiding Officer of the City Council

During the discussion as to whether Annapolitans would be better served by a City led by a Mayor with weaker authority or with greater authority, the Commission considered the governments of the City of Baltimore, the District of Columbia, and Maryland Chartered counties including Anne Arundel. With due respect to constituents in neighboring jurisdictions, the Commission found that the Annapolitans are well served by a having system in which a mayor has to formally participate with the deliberative body on a regular basis. Moreover, by having a system which brings a mayor into direct contact with the public on a regular basis in the deliberative chamber, is a democratic jewel to be prized not abandoned. Thus, the Commission considered and rejected a proposal that the Mayor no longer be a member of the Council and, in turn, that a “President of the City Council” be elected citywide.

The Acting Mayor

The Commission discussed the process and circumstances by which an acting mayor is designated. Consideration was given to but no conclusion reached regarding a recommendation that the Mayor would no longer have the authority to designate an “acting mayor” to serve for an unlimited duration.

City Council Committees

An issue considered by “Duden Commission” was conduct of City business by Aldermanic committees. This issue was raised to this Commission too. It was suggested that the Annapolis City Council did not have sufficient legislative or oversight business that would necessitate breaking up into committees. Moreover, there were suggestions that persons who had an interest in City affairs found it difficult to follow the scheduling and agendas for the meetings of the committees. It was noted that the Anne Arundel County Council is prohibited from having committees. The Commission considered and rejected a proposal that all of the business of the Council be conducted by the entire Council rather than by committees.

Aldermanic Term Limits

During its discussion over several months that eventually led to the recommendation that the term limit for the Mayor be repealed, the Commission considered and rejected a proposal to impose term limitations for Aldermen. The Commission believes that term limits are inherently undemocratic but that if the City Charter contains them they ought be consistently applied to each elected office.

Removal of the City Administrator

As alluded to elsewhere in this report, the principal issue brought to the Commission's attention was the day-to-day management of the government and the clarity of the lines of administrative authority. The Commission is aware that there are some municipalities in which the deliberative body which perform a greater role in the delivery of services. Annapolis historically had this form of government but has trended away from it. The Commission believes this is a good trend.

The Commission considered and rejected a proposal that the Mayor would have to seek City Council concurrence to remove a City Administrator. The existing direction of the Charter that the Mayor is responsible for hiring and firing the Administrator is the proper direction.

Salaries of the Mayor and Aldermen

The Commission considered and endorsed the existing process for reviewing the salaries of the Mayor and Aldermen.

Redistricting

The Commission discussed but considered no recommendations concerning the current *ad hoc* process for reviewing and redrawing ward boundaries after each census.

Charter Commission Timing

The Commission received some observations that the timing of the appointment of a such a commission during an election year seemed awkward. The Commission considered and rejected several recommendations that would have changed the timing. It was observed that the next this happens is the year 2021. In addition, if the Commission's recommendation that the duration of future commissions be limited months, the recommendations made by future commissions can very properly form the basis for the debate by the candidates during the election season.

Conclusion

The Commission is honored to have been given this opportunity to review the governance of the City, to have provided a forum for the public expression and exchange of concerns and ideas, to make observations about the many things that are going well, and to make proposals for revisions that will improve the administration of municipal affairs. We are enthused about the prospects for improvement but as private citizens we recognize that our recommendations are subject to the scrutiny of the democratic process. Though the outcome cannot be anticipated, we are confident that Annapolitans can be assured that our elected leaders will approach these recommendations with no less dedication and sincerity than that invested by the Commission in making them.

Appendices

- ▶ Resolution No. R-3-01
- ▶ List of Commission members
- ▶ List of background reading [2/5/01]
- ▶ List of other documents provided to the Commission
- ▶ Issues for consideration [5/14/01]
- ▶ Discussion outline [7/26/01]
- ▶ Chart summarizing governmental structure information from similar cities [8/23/01]
- ▶ Memorandum from David Stahl to the Commission regarding Art. VII, Finance [undated]
- ▶ E-mail message from Kimla Milburn to David Stahl regarding human resources [9/25/01]

CITY COUNCIL OF THE CITY OF ANNAPOLIS

RESOLUTION NO. R-3-01

SPONSORED BY: Mayor Johnson

A RESOLUTION concerning

ANNAPOLIS GOVERNMENTAL STRUCTURE AND CHARTER REVISION COMMISSION

FOR the purpose of creating a commission to study and to offer a public forum for proposals to alter the form of government of the city; and all matters relating to said commission.

WHEREAS, CA-8-96 Amended, effective March 4, 1997, modified the charter; and,

WHEREAS, CA-8-96 Amended provides for the establishment of a commission for the purpose of making a comprehensive study of city government; and,

WHEREAS, CA-8-96 mandates the appointment of the commission shall take place in January following the year in which the decennial census of the population of the United States is conducted; and,

NOW THEREFORE BE IT RESOLVED BY THE ANNAPOLIS CITY COUNCIL that the City of Annapolis Government Structure and Charter Revision Commission be and the same is hereby appointed.

AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL that in support of those purposes:

1. The members of the commission shall be Matthew B. Barry, Hannah Chambers, David Cordle, Sr., Emily Evans, Elaine Furth, Richard L. Hillman (Chairman), Jonathan A. Hodgson, David Stahl, and James R. Turner; and,
2. The term of all members of the Commission shall end with the publication of its report, referred to below;
3. The members of the Commission shall serve without compensation;
4. The members of the Commission shall elect from among their membership a vice chair and secretary;
5. The Commission shall meet publicly at least once per month and, where feasible, shall at each meeting take testimony from the public;

6. Findings and recommendations together with drafts or revisions to the charter and city code shall be submitted no later than twelve months after its appointment; and,
7. The business of the Commission shall be conducted consistent with the provisions of Robert's Rules of Order (9th Edition).

ADOPTED this 22nd day of January, 2001.

ATTEST:

THE ANNAPOLIS CITY COUNCIL

Deborah Heinbuch
Deborah Heinbuch, CMC/AAE
City Clerk

BY: Dean L. Johnson
DEAN L. JOHNSON, MAYOR

*ANNAPOLIS GOVERNMENTAL STRUCTURE
AND CHARTER REVISION COMMISSION*

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City Staff

Nancy Smallenbroek, February-June, 2001

Judy Ridgway, July, 2001; November, 2001 - January, 2002

Erin Martell, August-September, 2001

* Resigned in July, 2001. Replaced in August, 2001 by Mr. Lamb.

ANNAPOLIS Charter REVISION COMMISSION

[2/5/01]

Background Reading

- ▶ Progress in Government – Proposed Amendments to the Charter of the City of Annapolis – Annapolis Committee for Good Government (about 1969).
- ▶ Good Government Committee Summary Sheet – Red Waldron, Annapolis Committee for Good Government (about 1969)
- ▶ Mayor-Council Municipal Government – John Robinson, Maryland Municipal League (May, 1979)
- ▶ Government Structure in the City of Annapolis – Paul Klimowitch (December, 1979)
- ▶ Council-Manager Municipal Government – John Robinson, Maryland Municipal League (January, 1980)
- ▶ Report on the Structure of Government in the City of Annapolis – City Government Review Committee (spring, 1980)
- ▶ Structure of Government, A Retrospective – Richard Hillman (June, 1984)
- ▶ Notes on form of City Government – Red Waldron (July, 1984)
- ▶ City Management Task Force – Report & Recommendations - Greater Annapolis Chamber of Commerce (May, 1995)
- ▶ Petition to Initiate Proposed Charter Amendment, Citizens Committee for a City Manager (fall, 1995)
- ▶ Resolution No. R-9-96 Amended – Annapolis Governmental Structure and Charter Revision Commission (March, 1996)
- ▶ Forms to Municipal Government (presented to '96 Commission, spring, 1996)
- ▶ Municipal Governing Structures (presented to '96 Commission by Steve McHenry on behalf of the Maryland Municipal League, spring, 1996)
- ▶ Summary of Efforts to Improve City Management (February, 1997)

*List of other documents presented for consideration by the Annapolis Governmental
Structure and Charter Revision Commission*

Charter of the City of Annapolis

Report of the Annapolis Governmental Structure and Charter Revision Commission, September 9,
1996 (the “Duden Commission”)

ICMA Code of Ethics with Guidelines (May, 1998)

Typical ordinance for establishing city manager plan (ICMA)

Guide for Charter Commissions (National Civic League, 1991)

Model City Charter (National Civic League, 1996)

Model Charter (Institute for Governmental Service, University of Maryland, June, 1998)

*ANNAPOLIS GOVERNMENTAL STRUCTURE AND
Charter REVISION COMMISSION*

ISSUES FOR CONSIDERATION [5/14/01]

Article II

- Sec. 1 > Are 8 wards too many or too few?
- Sec. 2 > Should all Aldermen be elected in the same year or should ½ be elected every two years?
 - > Is 4 years the right length for the term of office?
 - > Should the election occur in the odd-numbered year following the presidential election?
- Sec. 3a > Should term limits be applied to Aldermen?
- Sec. 3b > Should the Mayor's 2-term limit be removed?
- Sec. 4a. > Are the salaries for the Mayor and Aldermen satisfactory?
 - > Is a clarification necessary to provide that Aldermen expenses of training and education can be paid by the City?
- Sec. 4b > Is the salary commission procedure working?
- Sec. 5 > Should elections be partisan or non-partisan?
 - > Should there be one Alderman per ward? If the number of Aldermen is reduced to 4, should the number of wards be kept 8 with each Aldermen representing two specified wards? Should at-large Aldermen be elected either by decreasing the number of Aldermen elected by Ward or by adding more Aldermen?
 - > Should the primary and general election days be moved to Sundays?

Article III

- Sec. 2 > Are all powers available to municipalities enumerated here?
 - > Can the list be summarized, simplified, or incorporated by reference?
- Secs. 3-11 > Should these powers be listed separately from those in Sec. 2?
 - > Does the language contain too much detail? Should this detail be codified in the City Code?
- Secs. 12-13 > Why are powers set forth in separate sections? Can't they be combined? And, aren't they too detailed?
- Secs. 14-16 > (same issues as for Secs. 3-11)

Article IV

- Sec. 1 > Should the Mayor be a member of the City Council? If not, should he/she be required to attend the meetings?
- Sec. 3 > Should the Mayor continue to preside but have no vote except to make or break a tie? If the Mayor doesn't preside, should the Aldermen elect a chair from among themselves or should a President of the City Council be elected at large?
- Sec. 9 > Should all Aldermanic committees be abolished? If not, should they be limited to committees specifically engaged in assisting the Council's review of legislation?

New Sec. > Should a provision be inserted to prohibit Aldermanic interference in the exercise of the executive functions of the City?

New Sec. > Should the City Council have its own staff? A clerk? An auditor? Administrative assistants? Others?

Article V

Sec. 1 > Should the Mayor continue to be the chief executive? If not the Mayor, who?
> Should the Mayor continue to be the City Administrator's immediate supervisor? If not, who?
> Should the Mayor continue to be full time?

Sec. 2 > Are the powers of the Mayor outlined clearly and completely?

Sec. 3 > Does the "acting mayor" procedure work?

Secs. 4-5 > Why are the attorney and clerk positions established in the "Mayor" article?

Article VI

Sec. 2 > Are the appointment, supervision, removal and compensation of the director heads adequately authorized?

Sec. 2A > Can the old language be removed now?

Sec. 2B > Is the position of City Administrator adequately authorized? Are the duties and responsibilities authorized adequately? Is there too much detail for a Charter?

Secs. 3-12 > Is the division of duties among the departments appropriate for fulfilling the responsibility of delivery municipal services? Are other departments necessary. Should existing departments be consolidated or eliminated?

Article VII

> Can the Article be simplified with the detail be transferred to the City Code?
> Shouldn't the Article describe the budget process? Should the City have an executive budget, i.e., a budget prepared by the Mayor which can only be reduced but not increased by the Council?

Article VIII

> Is it clear and concise? Does it contain provisions that could be transferred to the City Code?

Article IX

> Is each of the sections necessary? Some are detailed, some are not. Some include provisions that might be candidates for placement in other articles.

Appendix I

> If these provisions are to be part of the Charter shouldn't they be specifically incorporated in some manner or even adopted as a separate article?

RLH: ChrRevCm.doc [5/14/01]

RLH/jar [1/18/02]

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July 26, 2001

CHARTER REVIEW COMMISSION

Discussion Outline

I. Mayor

A. Term

Present: Four years with two term limit

Alternatives:

1. No term limit
2. One, three, or four term limit
3. Two or six year terms

B. Election

Time:

1. Present: Off-year
2. Alternative: Even years

Type:

1. Present: partisan
2. Alternative: non-partisan

C. Mayor's role on City Council

Present: Presiding officer with vote on all issues

Alternatives:

1. Mayor votes only to break tie
2. Mayor not on City Council
3. Mayor elected from the Council by Council

D. Mayor's Responsibilities

Present: Mayor elected at large. Is the full time CEO who hires City Administrator and all Department Directors with Council confirmation. Fires City Administrator and Department heads without Council approval. Appoints City Attorney and City Clerk

Alternative:

Mayor elected at large. Serves as part time Council President and ceremonial leader. Council hires and fires City Administrator/Manager. City Administrator/Manager hires and fires Department heads, prepares the annual executive budget for approval by City Council and implements the policies, ordinances, and approved budget of the Council. City Attorney and Clerk appointed by City Council.

E. Salary

Present: \$65,000/year effective in 2002

Alternatives:

1. If Mayor is a full-time CEO, raise salary to a competitive level
2. If Mayor is not a full-time CEO, lower to Council range
3. Salary Review Commission-is it working?
4. Should salaries of Mayor and Aldermen be in the Charter?

II. Council

A. Term

Present: All every four years with no term limit

Alternatives:

1. Term limit of two, three, or four terms
2. Staggered terms, i.e. four elected every two years.
3. Two year terms

B. Election

Present: Off-year, partisan, Tuesday in November

Alternatives:

1. Even year
2. Non-partisan
3. Sunday in November or some other month

C. Size and Structure

Present: Council member elected from each of eight wards

Alternatives:

1. Four, five, six, seven, nine or ten districts
2. All at large
3. Mix of districts and at large, i.e. four from districts (two wards) and four at large
4. Two or more from one district

D. Presiding Officer

Present: Mayor

Alternatives:

1. Council elects a member of Council to serve as President
2. Citizens elect Council President in at-large election

E. Council Committees

Present: Council may create committees by ordinance

Alternatives:

1. Mandate that all Council deliberations should be before the full council
2. No Committees shall be created without public hearings
3. Require that any Council Committees created focus only on legislative issues

F. Council staff

Present: None

Alternative: Mandate staff

G. Non-interference by City Council with executive functions

Present: No provision exists

Alternative: Include such a provision

State Capitals, Service Academy and Historic Seaport Cities with Populations of 25,000 to 50,000

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TO: Charter Revision Commission

CC: Kathleen Sulick

FROM: David E. Stahl, Chairman, Finance and Personnel Committee

RE: Article VII. Finance

On September 22, 2001, I met with City Finance Director Kathleen Sulick. The other members of the Committee were invited to join in this meeting but could not attend because of conflicts in their schedules.

Based on my discussion with Director Sulick, I recommend the following concerning Article VII of the Charter:

Section 1. No change

Section 2. No change

Section 3. Under (b) eliminate (1) (2) and (3). Change the last sentence of (b) to read:
"The city council may exempt from the levy of the special tax hereby authorized such classes of properties as the city may determine by ordinance."

Section 4. Eliminate. The city does not issue tax bills.

Section 5. No change

Section 6. Eliminate. This is currently done without ordinances.

Section 7. Eliminate. Obsolete

Section 8. Eliminate. Not necessary

Section 9. Eliminate. Obsolete

Section 10. Eliminate. Not necessary

Section 11. No change

Subj: Charter Amendments for HR
 Date: 9/25/2001 5:42:11 PM Atlantic Daylight Time
 From: KTM@ci.annapolis.md.us (Kimla T. Milburn)
 To: stahldc@aol.com

September 25, 2001

Mr. Dave Stahl:

Thank you for being so patient with me and HR as we reviewed the Charter and prepared our response.

After careful thought and discussion, we make the following recommendations for current provisions within the City of Annapolis Charter as it pertains to Human Resources.

1. Article VI, Section 6 - Human Resources Department

We do not recommend any changes to this section. This section gives Human Resources powers to perform the numerous personnel tasks for City employees. The language is general, allowing the Department to do what needs to be done to administer the civil service system, hiring function, benefits, training, etc.

2. Article VIII, Section 1 - Civil Service System - Generally

As discussed, we recommend that most of the language in Section one be replaced by the following language.

"The city council shall provide, by ordinance, for a civil service system for employees of the city and all matters necessary to operate the system."

The above language is more concise, and takes away any limitations that may be interpreted from more detailed language.

3. Article VIII, Section 2 - Same - Excluded Positions

We recommend reduction in the current language to the following.

"All officials and employees of the city shall be included in the civil service system unless specifically excluded by the city council through the adoption of an ordinance."

4. Article VIII, Sections 3 and 4 - Anointments to positions and Retirement system

We recommend this language remain the same. Particularly, Section 4 gives us authority we are currently using and need, to operate our pension benefits granted to employees.

5. Article VIII, Section 5 - Supplemental retirement benefits

There are less than 10 active employees who are eligible for this additional benefit. Once these individuals retire, this benefit will be nonexistent.

We recommend that this provision be removed only if (1) An ordinance is replaced covering the remaining employees or (2) The counsel agrees to pass a resolution today to cover the remaining employees eligible for this coverage by name. We will not know the amount they are entitled to until their retirement date, however, we can use the resolution for authority when that date arrives.

Otherwise, the provision should remain in the charter until all eligible employees have retired.

6. Article VIII, Section 6 - Spouses pension

While at first, I thought we could take care of this provision by resolution, I do not recommend that we remove it from the Charter at this time. There are still widows who are receiving this monthly pension and we need to consider whether the City wishes to increase their pension amount, which has not been increased for a number of years. Nevertheless, there are no longer widows of employees that can qualify for this provision.

Another option would be to remove this provision from the charter and replace it with an ordinance. Once the last widow receiving this benefit has passed on, we could go back and request the council to repeal the ordinance.

Again, thank you for your patience while Human Resources explored the provisions of the City Code and gathered our thoughts and recommendations. If you have any further questions or need explanation of the comments above, I may be reached at 410-263-7998.

Thank you,

Kimla T. Milburn, JD, SPHR
Director of Human Resources
City of Annapolis

Headers

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X-Mailer: Novell GroupWise 5.5.4
Date: Tue, 25 Sep 2001 16:39:53 -0400
From: "Kimla T. Milburn" <KTM@ci.annapolis.md.us>
To: <stahdc@aol.com>
Subject: Charter Amendments for HR
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